

1651

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:  
**MARK WANG, ET AL.**

Serial No.: 09/845,245

Filed: April 27, 2001

For: METHODS AND APPARATUS FOR  
USE OF OPTICAL FORCES FOR  
IDENTIFICATION, CHARACTERIZATION  
AND/OR SORTING OF PARTICLES



Group Art Unit: 1651

Examiner: Susan Marie Hanley

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO SB/08A provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form PTO SB/08A, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above, but before the mailing date of either a Final Action under

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12-16-04  
Date of Deposit  
IR1:1059496.1

Denise Doss

Name of Person Mailing Paper

Signature of Person Mailing Paper

12/22/2004 AWND/AF1 00000058 502862 09845245

01 FC:1806 180.00 DA

§1.113 or a Notice of Allowance under §1.311. Accordingly, the Commissioner is hereby authorized to charge Deposit Account No. 50-2862 for the requisite fee of \$180.00.

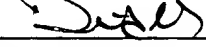
Copies of the non-U.S patent references listed on the attached Form PTO/SB/08A are enclosed herewith. Applicants will provide copies of the U.S. patents if the Examiner so desires.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 12/16/04

By:   
David B. Murphy  
Reg. No. 31,125  
Attorneys for Applicant

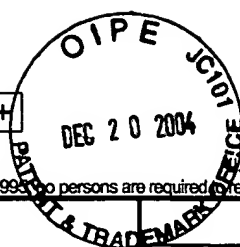
DBM/dnd

**34263**

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900

PATENT TRADEMARK OFFICE

Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/845,245
Filing Date	April 27, 2001
First Named Inventor	Mark M. Wang et al.
Group Art Unit	1651
Examiner Name	Susan Marie Hanley
Attorney Docket Number	0302,670-4 (prev. 263/168)

Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	Number	Kind Code <sup>2</sup> (if known)			
	US-6,740,497	B2	Allbritton et al.	05/25/2004	
	US-6,797,942	B2	Grier et al.	09/28/2004	

Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

Examiner Initials *	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	Experimental Biochemistry, 2d. Ed., J.M. Clark and R.L. Switzer, eds., Section II, pp. 73-74, W.H. Freeman and Co., New York, 1977.	
	IMASAKA, "Optical Chromatography. A New Tool For Separation of Particles", Analisis Magazine, 26, 5, 1998, pp M53-M55.	
	MARKX, et al., "Dielectrophoretic Separation Of Bacteria Using A Conductivity Gradient", J. Biotechnol., 51, 1996, 175-180.	
	PETHIG, et al., "Applications Of Dielectrophoresis In Biotechnology", Trends Biotechnol., 15, 10, 1997, pp. 426-432.	
	YANG, et al., "Dielectric Properties Of Human Leukocyte Subpopulations Determined By Electrorotation As A Cell Separation", Biophysical J., 76, 1999, 3307-3314.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.